

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, January 3, 2000

Division One

A088772 -- Townsend and Townsend and Crew et al., v. The Superior Court of San Francisco; Jerry C. Weil et al., R.P.I.

Therefore, let a peremptory writ of mandate issue commanding respondent San Francisco Superior Court to set aside its orders denying the Townsend defendants' motion to compel production of the "1996 Lillick File" and granting real parties' motion to quash the subpoenas for said file, and to instead order production of the "1996 Lillick File" (defined herein as all documents related to the "Brokers Antitrust Cases" in the Lillick & Charles file from the time that file was opened in 1996, until Lillick & Charles ceased representation of plaintiffs), on condition that plaintiffs may assert the attorney-client privilege, if warranted (*Delaney v. Superior Court* (1990) 50 Cal.3d 785, 806, fn. 20; *Mahoney v. Superior Court* (1983) 142 Cal.App.3d 937, 940-941), for any document within that file unrelated to the "Brokers Antitrust Cases." Pending issuance of the remittitur, trial and all discovery in *Jerry C. Weil, et al. v. Townsend and Townsend and Crew, LLP, et al.* (San Francisco Superior Court No. 987784) are stayed. This opinion is final as to this Court immediately. (Cal. Rules of Court, rule 24(d).) Petitioners shall recover their costs. Before Stein, Acting P.J., Swager, J., and Marchiano, J (Not for Publication.)

Division Two

A089393 -- Jerold Smith v. The Superior Court of San Francisco; The People of the State of California, R.P.I.

By the Court: The petition for writ of mandate/stay is denied. Haerle, Acting P.J.

Monday, January 3, 2000 (continued)

A089455 -- Ronald W. Shepherd v. The Superior Court of San Mateo County; Carl F. Schrader, et al., R.P.I.

By the Court: The petition for writ of mandate is denied. Haerle, Acting P.J.

A085136 -- G.I. Mezzetta, Inc., v. City of American Canyon.

The order of dismissal is affirmed. Costs on appeal to the City. Kline, P.J.
We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Monday, January 3, 2000 (continued)

Division Three

A085803 -- Mark S. Sokolsky v. California Department of Corrections et al.

The judgment is reversed. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Division Five

A086490 -- The People v. Anthony Lanzarin.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, January 4, 2000

Division Two

A083918 -- The People v. Frank S. Melonzi.

The judgment is affirmed. The case is remanded to the trial court for resentencing consistent with the view expresses above. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A083763 -- Aeroground, Inc., v. AMJ Associates et al.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A085730 -- Fisher-Friedman Associates v. Griffin Realty Corporation et al.

The judgment is reversed. The trial court is directed to vacate the order awarding attorney fees and costs to Griffin Realty as the prevailing party. Costs on appeal to Fisher-Friedman. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A086749 -- James Kisiel et al., v. Joseph Cetwinski.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Tuesday, January 4, 2000 (continued)

Division Four

A081987 -- The People v. Patrick Henry Ghilotti.

A087943 -- In re Patrick Henry Ghilotti, on Habeas Corpus

The judgment of commitment is affirmed. The petition for habeas corpus is denied. Poché Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A085804 -- Joyce Ervin v. Herman Irving et al.

The appeal of the judgment in favor of defendant Herman having already been dismissed, the judgments in favor of defendants Lee and Wafer are affirmed. Sepulveda, J. We Concur: Poché Acting P.J., Reardon, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, January 5, 2000

Division One

A084796 -- The People v. Jamahl Dupree Garner.

Order Modifying Opinion and Denying Rehearing [No Change in Judgment]

BY THE COURT:

It is ordered that the unpublished opinion filed on December 9, 1999, be modified as follows: (SEE ORDER) In all other respects the opinion remains the same. Strankman, P.J.

Division Two

A084421 -- The People v. Dontae Deshawn Jones.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A089504 -- In re Andre Island, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A089513 -- In re Frederick Stills, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A089534 -- In re Stephen Crump, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Wednesday, January 5, 2000 (continued)

Division Three

A085885 -- In re Archie R., a Person Coming Under the Juvenile Court Law.

The matter is remanded for the juvenile court to exercise its discretion to declare whether the offense is a felony or misdemeanor, and to adjust the maximum term of confinement if appropriate. In all other respects, the court's orders are affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Division Four

A082426 -- Erse Duderstadt v. Department of Motor Vehicles.

The judgment is reversed. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

A083480 -- Denise Killings v. Contra Costa Community College District.

The purported appeals from the summary judgment and reconsideration orders are dismissed. The summary judgment is affirmed. The parties shall bear their respective costs of appeal. Poché Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

A084345 -- In re Karl S., Jr., et al., Persons Coming Under the Juvenile Court Law.

The judgment of the juvenile court is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
FIRST APPELLATE DISTRICT
STATE OF CALIFORNIA ‘

Thursday, January 6, 2000

Division Two

**A084966 -- SSW, Inc., California Corporation, DBA Scotch Super
Wash v. City of Lafayette.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J.
(Not for Publication.)

**A086997 -- In re Heather R., a Person Coming Under the Juvenile
Court Law.**

The order of the juvenile court terminating appellant's parental rights is
affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A080656 -- Debbie Fish v. Gerald Palmer, et al.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, January 7, 2000

Division One

A086778 -- The People v. James Jay Hill.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A076392 -- The People v. Johnny Barra, Jr.

The matter is remanded for resentencing in accordance with the views expressed in *People v. Jefferson, supra*, 21 Cal.4th 86. In all other respects, the judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A086741 -- In re Kenica R., a Person Coming Under the Juvenile Court Law.

The February 8, 1999 order is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Three

A081295 -- The People v. Donald Montross Gibson, Arthur Parnell.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Friday, January 7, 2000 (continued)

Division Five

A085622 -- The People v. Dianna Marie Whiting.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, January 10, 2000

Division Two

A086918 -- In re Mary A., et al., Persons Coming Under the Juvenile Court Law.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

Division Three

A087355 -- Andrew T. Haas, Jr., et al., v. Union Bank of California et al.

Order Denying Petition for Rehearing and Modifying Opinion [No Change in Judgment]

The Court: The petition for rehearing is denied. It is ordered that the opinion filed herein on December 20, 1999, be modified as follows: The disposition paragraph should read: "The appeal from the judgment in favor of the Union Bank respondents is dismissed. Respondents shall recover their costs. McGuiness, P.J. (Not for Publication.)

Division Four

A085755 -- In re Mystique L., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Poché J. We Concur: Hanlon, P.J., Sepulveda, J.
(Not for Publication.)

Monday, January 10, 2000 (continued)

A085961 -- The People v. Anatolio Paul Kabanciw.

The conviction for grand theft is reversed. The judgment of conviction is affirmed in all other respects. The trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections. Poché J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A085592 -- The People v. Quinton Pierre Johnson.

That portion of the judgment imposing a restitution fine in the amount of \$3,800 is reversed, and the cause is remanded to the trial court for further proceedings not inconsistent with this opinion. In all other respects the judgment of conviction is affirmed. Poché Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A085600 -- The People v. Louis William Wagner.

The order is reversed, and the cause is remanded to the trial court with directions to allow the People to file an amended complaint within 60 days of receipt of this Court's remittitur. Poché J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A087707 -- The People v. Kevin Louis Rampone.

The judgment is affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Division Five

A087068 -- The People v. Frederick Ernest Heidel.

The judgment is modified to strike that portion purporting to make appellant's prison term consecutive to his parole revocation time. In all other respects, the judgment is affirmed. The trial court is directed to submit a corrected abstract of judgment to the Department of Corrections. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A085141 -- Paul Michael Roberts et al., v. Carol Fleming et al.

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Monday, January 10, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Corrigan, J., Parrilli, J. and I. Calanoc, Deputy Clerk.

- A084819 Link McCoy,
 v.
 East Bay Municipal Utility District.
Cause called and argued by David Kelvin, counsel for appellant, and Gary Lafayette, counsel for respondent. Cause ordered submitted.
- A081290 The People,
 v.
 Keelon Jenkins, et al.
Cause called and argued by Neoma Kenwood for appellant Jenkins and Jo Anne Keller for appellant McDaniels; and, Deputy Attorney General Lisa Ashley, counsel for respondent. Cause ordered submitted.
- A078714 The People,
 v.
 Noel Ralph Sambrana.
Cause called and argued by Victor Morse, counsel for appellant, and Deputy Attorney General Aileen Bunney, counsel for respondent. Cause ordered submitted.
- A086045 The People,
 v.
 Emilio Mendoza.
Justice McGuiness announced change of panel to include: McGuiness, P.J., Corrigan, J. and Walker, J. Cause called and argued by Jean Matulis, counsel for appellant, and Ross Moody, counsel for respondent. Cause ordered submitted. Justice McGuiness left the bench after this case.
- A084615 The People,

v.

Michael Allen Pierce.

Justice Corrigan announced the change of panel to include: Corrigan, J., Parrilli, J. and Walker, J. Cause called and argued by Steve Teich, counsel for appellant, and Richard Rochman, counsel for respondent. Cause ordered submitted.

A083303

Barbara Blake,

v.

Hawley Dwight Smith.

Cause called and argued by Daniel Smith, counsel for appellant, and Michael Bassi, counsel for respondent. Cause ordered submitted.

A084280

Cecilia Tameta,

v.

Rodel E. Rodis.

Cause called and argued by Adron Beene, counsel for appellant, and Thomas Paoli, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, January 11, 2000

Division One

A086421/A089064 -- The People v. Gregory Van Gundy.

The judgment is affirmed. Marchiano, J We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A088128 -- The People v. Robert Edward Cooper.

The order denying appellant credit for the entirety of his RTC term is affirmed. Marchiano, J We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A081489 -- The People v. Marvel Simmons et al.

The judgments of conviction are affirmed. Marchiano, J We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A085300 -- The People v. Donald Barrett.

The judgment is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J (Not for Publication.)

A086666 -- W. Gray Co., v. Contractors State License Board.

The judgment is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J (Not for Publication.)

A086763 -- The People v. Raymundo Vera Maldonado.

The judgment is affirmed. Strankman, P.J. We Concur: Stein, J., Marchiano, J (Not for Publication.)

Tuesday, January 11, 2000 (continued)

Division Two

A086952 -- Joey Preszler v. Regents of the University of California.

We affirm the judgment. The Regents are awarded costs. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A085378 -- Alisa Caesar v. California State Personnel Board.

By the Court: The petition for rehearing is denied. Kline, P.J.

A084831 -- Brian Bjork, a minor, etc., v. David M. Mason.

The judgment is reversed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

Division Three

A087279 -- The People v. Jose Fernandez Alvarez.

The trial court is directed to issue a new abstract of judgment correcting the errors noted herein in the amended abstract of judgment filed in the trial court on July 1, 1999. In all other respects, the judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A083090 -- The People v. Russell Dwayne Rodgers.

The judgment is affirmed. Poché J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Tuesday, January 11, 2000 (continued)

Division Five

A085628 -- The People v. George Joseph Fonseca.

We affirm the judgment. Jones, P.J. We Concur: Haning, J., Stevens, J.
(Not for Publication.)

A087516 -- In re Miguel E., a Person Coming Under the Juvenile Court Law.

The order of the trial court is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, January 11, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J. and Reardon, J.; Channing Hoo, Deputy Clerk; Greg Baarts, Bailiff.

A081951 Kenneth Zamvil
 v.
 Petaluma Joint Union High School District et al.
Cause called. Joseph Baxter argued for appellant Zamvil. Scott N. Kivel argued for respondents. Cause submitted.

A082649 Patrick J. Murphy et al.
A082117 v.
 Fidelity National Title Insurance Co.
Causes called. Gerry McGee argued for litigants Murphy et al. Richard G. Carlston argued for litigant Fidelity. Causes submitted.

At this point, the court reconstituted itself to include Hanlon, P.J. and Poche, J.

A085422 People
 v.
 Lafayette Turner
Cause called. Each counsel confirmed waiving Justice Sepulveda's presence. Eric Liberman teleargued for appellant Turner. Christopher Wei argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Hanlon, P.J. and Reardon, J.

A077985 Braullio Torres
 v.
 Powerscreen International Distribution et al.
Cause called. Each counsel confirmed waiving Justice Sepulveda's presence. Paul D. Fogel argued for appellant Torres. Rosemary Springer argued for respondents. Cause submitted.

A084676 William V. Ribeiro, MD

v.

Uma, Inc.

Cause called. Each counsel confirmed waiving Justice Sepulveda's presence. Brian Ross teleargued for appellant Ribeiro. Frank Roesch argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Poche, Acting P.J. and Reardon, J.

A083809 Leland B. Evans et al.

v.

Golden Gate Bank

Cause called. Each counsel confirmed waiving Justice Sepulveda's presence. Nick Reckas argued for appellants Evans et al. Deborah K. Miller argued for respondent. Cause submitted.

The Court adjourned at 12:120 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, January 12, 2000

Division Two

A082435 -- James John O'Shea v. Mark Devine et al.

We affirm the judgment. Costs on appeal are awarded to respondents.
Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A085456 -- The People v. Todd Christopher LaFrance.

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J.,
Ruvolo, J. (Not for Publication.)

**A083436 -- In re Thanh. H., a Person Coming Under the Juvenile
Court Law.**

The trial court properly found that CYA was the appropriate facility to
provide rehabilitation to appellant. We find no abuse of discretion and affirm the
judgment. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for
Publication.)

**A089527 -- Darrell Hunter v. The Superior Court of Marin County;
The People of the State of California, R.P.I.**

Accordingly, let a peremptory writ of mandate issue commanding
respondent superior court to vacate its order of December 23, 1999, granting the
motion to quash. Our decision is final as to this court immediately. (Cal. Rules of
Court, rule 24(d).) Before Kline, P.J., Haerle, J., and Ruvolo, J. (Not for
Publication.)

Wednesday, January 12, 2000 (continued)

A086413 -- The People v. Christopher Edward Venema.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

A085827 -- The People v. Randy Scott Ross.

Accordingly, we find no arguable issues for review pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A087699 -- The People v. Ramon Maurice Phanor.

In sum, we find no arguable issues for review pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

A088049 -- In re Souian S., a Person Coming Under the Juvenile Court Law.

There are no meritorious issues to be argued. The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A087061 -- The People v. Alvaro Garfias Cazares.

There was no error in either the entry of the plea or the imposition of sentence. There are no meritorious issues to be argued. We do note that there appears to be a scrivener's error in the abstract of judgment. Entry Number 4 on the Abstract of Judgment filed on April 28, 1999, erroneously reflects that defendant was sentenced pursuant to Penal Code section 667 (b)-(i) or 1170.12. If it has not already done so, we direct that the court issue an amended abstract deleting this erroneous notation and to forward that amended abstract to the Department of Corrections. Corrigan, J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Wednesday, January 12, 2000 (continued)

A087766 -- In re Damone C., a Minor.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Division Four

A088790 -- In re Dominic N., a Person Coming Under the Juvenile Court Law.

The petition for an extraordinary writ is denied on the merits. (Welf. & Inst. Code, § 366.26, subd. (I); Cal. Rules of Court, rule 39.1B(c); see *In re Julie S.* (1996) 48 Cal.App.4th 988, 990-991.) Our decision is final in this court immediately. Hanlon, P.J. We Concur: Poché J., Reardon, J. (Not for Publication.)

A085636 -- Richa Vahle et al., v. Jill E. Barwick.

The purported appeal is dismissed. Poché J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A087103 -- In re Jimmy A. P., a Person Coming Under the Juvenile Court Law.

The commitment order is affirmed. Poché J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, January 12, 2000

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Stein, Acting P.J., Swager, J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP Officer L. Kempf, Bailiff.

- A085825 The People,
 v.
 Paul Anthony Roman.
Cause called and argued by Orzo W. Childs, via teleconference, counsel for appellant, and Martin S. Kaye, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A085230 The People,
 v.
 Wayne Arnold.
Cause called and argued by J. Bradley O'Connell, counsel for appellant, and Gerald Engler, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A086202 In re Ted V., a Person Coming Under the Juvenile Court Law.
 The People,
 v.
 Ted V.
Cause called and argued by Barry M. Karl, counsel for appellant, and Matthew Boyle, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A084913 Jose Marenco,
 v.
 Donald Levine.
Cause called and argued by Raymond T. Burke, counsel for appellant, and James Paul Green, counsel for respondent. Cause ordered submitted.

A085675 In re the Marriage of Timothy and Jodie Trotta.
Timothy Trotta,

v.

Jodie Trotta.

Cause called and argued by Stephen J. Montalvo, counsel for appellant, and
Paul F. Vorsatz, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, January 12, 2000

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Swager, J.; B. Robbins, Deputy Clerk; and T. Turner, Court Security.

- A083935 The People,
 v.
 Albert Williams.
Cause called and argued by Gregory W. Brown, counsel for appellant, and Amy Haddix, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A086398 Leslie M. Flannery,
 v.
 State of California;
 Prentice & Scott, et al.
Cause called and argued by Lisa A. Tillman, Deputy Attorney General, counsel for appellant; Amitai Schwartz, counsel for respondent Prentice & Scott; and Lawrence N. Hensley, counsel for respondent Flannery. Cause ordered submitted.
- A086772 In re the Marriage of Alice and Paul Mui.
 Alice Choi-Ha Hon Mui,
 v.
 Paul Y. Mui.
Cause called and argued by Ronald R. Johnson, counsel for appellant, and Robert D. McGuinness, counsel for respondent. Cause ordered submitted.

A085541 Bruce A. Glass, et al.,
 v.

Reza Najafi, et al.

Cause called and argued by Gerald M. Murphy, counsel for appellants, and
Michael K. Johnson, counsel for respondents. Cause ordered submitted.

Court recessed until Thursday, January 13, 2000 at 9:00 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, January 13, 2000

Division One

A086756 -- The People v. Kenneth Paul Ausiello.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Division Two

A085057 -- The People v. Matthew Henry Mankinen.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A084808 -- The People v. Doan Thanh Nguyen.

The order and judgment of the trial court are affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A086365 -- Janet Nelson Cullers v. Southern Pacific Transportation Company, Inc.

The judgment of the trial court is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

A086698 -- The People v. Raymond Valenzuela Lopez.

The judgment is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Walker, J. (Not for Publication.)

Thursday, January 13, 2000 (continued)

A084280 -- Cecilia Tameta v. Rodel E. Rodis.

Affirmed. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A084819 -- Link McCoy v. East Bay Municipal Utility District.

The judgment is affirmed. Costs to respondent. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Five

A082950 -- Canal Street, Ltd., et al., v. Robert A. Sorich et al.

The order of dismissal is reversed. The matter is remanded to the superior court with directions to reconsider appellants' section 664.6 motion and enter judgment thereon, including in such judgment any interest or penalties which may be due. We do not imply by our decision that appellants are entitled to any interest or penalties, but merely that the interests of judicial economy are best served if those issues are resolved in one proceeding. Haning, J. We Concur: Jones, P.J., Hanlon, P.J.* Presiding Justice, Court of Appeal, First Appellate District, Division Four, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution. (Certified for Partial Publication.)

A085372 -- Rick Peterson v. Greater Lakeport Chamber of Commerce et al.

The appeal is dismissed as untimely. Respondents to recover costs. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A084592 -- Yellow Cab Cooperative, Inc., v. San Francisco Board of Permit Appeals et al.

Until the trial court completes its final review and issues a final judgment, this court lacks appellate jurisdiction. Jones, P.J.

A086465 -- The People v. Juan Gallegos.

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, January 13, 2000

The Court reconvened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Swager, J., and Marchiano, J.; N. Millner, Deputy Clerk; and H. Poellath, Court Secuirty. Justice Stein did not participate in argument of the first case. CHP Officer L. Lara replaced H. Poellath at 9:25 a.m.

A085781 The People,
 v.
 Derrick Pittman.
Cause called and argued by Jeffrey A. Glick, counsel for appellant, and Richard Rochman, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Swager participated in the remainder of the calendar.

A085570 Harry Lum,
 v.
 Reddy Realty, et al.
Cause called and argued by Gerald A. Becker, counsel for appellant, and Jon B. Eisenberg, counsel for respondents. Cause ordered submitted.

A086590 In re Jamal A., a Person Coming Under the Juvenile Court Law.
 Social Services Agency,
 v.
 Maryann M.
Cause called and argued by Robert R. Walmsley, counsel for appellant, and Donna Furth, counsel for minor Jamal A. Cause ordered submitted.

A080976/ Camille Begnal, et al.,
A081325/ v.
A081539/ Canfield & Associates, Inc.
A082259/ Cause called and argued by Paul Nyquist, counsel on behalf of Canfield &
A084814/ Associates, Inc., and Ellen Lake, counsel on behalf of Camille Begnal, et
A084822 al. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, January 13, 2000

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Marchiano, J.; B. Robbins, Deputy Clerk; and CHP Officer L. Lara, Bailiff.

- A085940 In re the Marriage of Rosalind and Moten Jones.
Rosalind Jones,
v.
Moten Jones.
Cause called and argued by Moten Jones, appellant in pro per, and Richard H. Bartke, counsel for respondent. Cause ordered submitted.
- A084122 Helen Yiu Wah Liu,
v.
Myrtle Street Flats, Ltd., et al.;
Colliers Damner Pike.
Cause called and argued by Harold E. Kahn, counsel for Myrtle Street Flats, Ltd., et al.; Barry D. Hovis, counsel for Helen Yiu Wah Liu; and William Bogdan, counsel for Colliers Damner Pike. Cause ordered submitted.
- A085715 Richard E. Thomas,
v.
Martin Nicolaus, et al.
Cause called and argued by James G. Beck, counsel for appellant, and Andrew R. Adler, counsel for respondent. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, January 14, 2000

Division One

A084689 -- In re Van N. et al., Person Coming Under the Juvenile Court Law.

The jurisdictional order is reversed. As the juvenile court had no jurisdiction over the minors, its dispositional order was unauthorized and void. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A082278 -- The People v. Thomas Allen Darby.

Order Modifying Opinion and Denying Rehearing [No Change in Judgment] The Court: It is ordered that the opinion filed herein on December 16, 1999, be modified in the following particulars: (SEE ORDER) The petition for rehearing is denied. Swager, Acting P.J. (Not for Publication.)

Division Three

A086045-- The People v. Emilio Mendoza.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A078714 -- The People v. Noel Ralph Sambrana.

The judgment is reversed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT]

Tuesday, January, 18, 2000

Division Two

A085188 -- Lawrence and Eliana Brooke et al., v. John Jenkel.

The judgment is affirmed. Costs on appeal to respondents. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A088073 -- In re Robert W., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A084466 -- The People v. Ronald Stacy Bunn.

The trial court's dismissal of the information is reversed and the cause is remanded for further proceedings. Walker, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Division Five

A088127 -- The People v. Heather Eileen Weigand.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Tuesday, January 18, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P. J., Haerle, J., Lambden, J., Ruvolo, J., and S. Graham, Deputy Clerk.

At this point, Presiding Justice Kline announced that the panel on the first case would be himself and Justices Lambden and Ruvolo.

A089071 Connie C.
 v.
 Superior Court, County of Napa
 Social Services Agency, et al.
Cause called and argued by Judy Behrendt, counsel for petitioner and Silva Darbinian, Deputy County Counsel, counsel for real party in interest.
Cause ordered submitted.

At this point, Justice Ruvolo left the bench.

A084705 Jason Zachos
 v.
 City of Daly City, et al.
Cause called and argued by Tony Tanke, counsel for appellant and Joseph C. Howard, counsel for respondent. Cause ordered submitted.

A081989 The People
 v.
 Gayle Bishop

A086828 In re Gayle Bishop, on Habeas Corpus
Cause called and argued by Dennis P. Riordan, counsel for appellant and Raymond Cardozo, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

Court recessed until Wednesday, January 19, 2000 at 9:30 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, January 19, 2000

Division One

A086772 -- In re Marriage of Alice Choi-Ha Hon Mui and Paul Y. Mui.

The order filed February 17, 1999, is affirmed. Strankman, P.J. We
Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A089654 -- In re Charles E. Cox, on Habeas Corpus.

By the Court: The petition for rehearing is denied. The Contra Costa
County Clerk's Office has informed this court that there is no record of a writ
petition filed by petitioner. Petitioner should seek review, if any, by filing a new
writ petition in the Superior Court. Kline, P.J.

**A083865 -- Ponoyota Walker, et al., v. Allstate Indemnity Company, et
al.**

The judgment is affirmed. Costs on appeal to respondents. Haerle, J. We
Concur: Kline, P.J., Ruvolo, J. (Certified for Publication.)

**A089508 -- Grace L. Chin et al., v. The Superior Court of San
Francisco County; Melinda DeLeon, et al., R.P.I.**

By the Court: The petition for writ of mandate/ stay is denied. Kline, P.J.

Wednesday, January 19, 2000 (continued)

Division Four

A080791 -- The People v. John Edward Parkinson.

A086891 -- In re John Edward Parkinson on Habeas Corpus.

As to the appeal (No. A080791), the judgment of conviction is affirmed.

As to the petition for writ of habeas corpus (No. A086891), we issue herewith an order to show cause returnable in the superior court on the issue of juror bias as raised in the petition. In all other respects, the petition is denied. Reardon, J. (See Concurring Opinions of Sepulveda, J. and Poché Acting P.J. (Not for Publication.)

A081951 -- Kenneth B. Zamvil v. Petaluma Joint Union High School District et al.

We affirm the judgment Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

Division Five

A085350 -- San Mateo County Deputy Sheriffs Association v. Mary Welch, as Human Resources Director, et al; Teamster Union Local 856, R.P.I.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, January 19, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P. J., Haerle, J., Ruvolo, J., and I. Santos, Deputy Clerk.

A084316 Robin Phillips,
v.
Owens-Illinois, Inc.
Cause called and argued by James Geagan, counsel for appellant, and Bruce Wagman, counsel for respondent. Cause ordered submitted.

A083939 Peter Schnall,
v.
The Hertz Corporation.
Cause called and argued by Arthur Friedman, counsel for appellant, and Peter Scott Hecker, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Kline left the bench and Justice Ruvolo joined the bench for the following two cases.

A081422 The People,
v.
Joseph Ray Walker.
A087401 In re Joseph Walker on Habeas Corpus.
Cause called and argued by Richard Such, counsel for appellant, and Deputy Attorney General, Jeffrey Bryant, counsel for respondent. Cause ordered submitted.

A085374 Donald R. Lucas,
v.
Geoffrey M. Griffin.
Cause called and argued by Robert Drane, counsel for appellant, and John Michael Starr, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Justice Ruvolo left the bench and Justice Sepulveda, from Division 4, joined the bench for the remainder of the

calendar.

A082075/
A082729

William G. Simon,

v.

New Discovery, Inc., et al.

Cause called and argued by Jerome B. Falk, counsel for appellant, and
Peter Davis, counsel for respondent. Cause ordered submitted.

Court Adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, January 20, 2000

Division One

**A084122 -- Helen Yiu Wah Liu v. Myrtle Flats, Ltd.et al.; Colliers
Damner Pike et al.**

The judgment in favor of Liu and against Sunrise and Wofsy is affirmed. The judgment in favor of Sunrise and against Colliers is affirmed, except that the award of attorney fees to Sunrise from Colliers is reversed and remanded to the trial court for redetermination in accordance with the views expressed in this opinion. Liu, Sunrise, Wofsy, and Colliers are to bear their own costs on appeal. Strankman, P.J. We Concur: Stein, J., Marchiano, J. (Not for Publication.)

A086599 -- The People v. Edwin J. Anderson, Jr.

The denying release is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A085675 -- In re Marriage of Timothy Trotta and Jodie Trotta.

The order is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A085940 -- In re Marriage of Rosalind Jean Jones and Moten Mike
Jones.**

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Thursday, January 20, 2000 (continued)

Division Two

A084998 -- Paul T. Truehart v. Hydro-Flame Corporation.

For the reasons stated, the judgment of the trial court is reversed. Costs on appeal are awarded to appellant. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A089603 -- In re Raquel Ochoa Devez, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Division Four

A083692 -- The People v. Doffus Lomack Gallon, Jr.

Judgment affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A084676 -- William V. Ribeiro v. Uma, Inc.

The judgment and the award of sanctions are affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A085422 -- The People v. Lafayette Turner.

The judgment of conviction is affirmed. Poché J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A083809 -- Leland Evans et al., v. Golden Gate Bank.

The summary judgment is affirmed. Poché Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

Thursday January 20, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Haning, J., Stevens, J.; and Haerle, J. of Division Two on assignment by order of The Chief Justice* and Richard H. Sandvik Deputy Clerk.

- A087123 Insurance Commissioner Of The State of California
 v.
 Golden Eagle Insurance Corporation
Cause called and argued by Stacey L. Pratt, counsel for appellant and by John S Curtis, counsel for respondent. Cause ordered submitted.
- A086782 John Shek
 v.
 Lawrence Hanson
Cause called and argued by John Shek, appellant in pro per and by Diane R. Crowley, counsel for respondent. Cause ordered submitted.
- A085938 Dora Rafailov
 v.
 Unemployment Insurance Appeals Board
Cause called, William Campisi, appeared for appellant, counsel for respondent did not appear. Cause ordered submitted.
- A085177 Michael Schmier
 v.
 Supreme Court of California
Cause called and argued by Kenneth J. Schmier, counsel for appellant and by Thomas A. Blake, counsel for respondent. Cause ordered submitted.
- A085331 PH II, Inc.
 v.
 William C. Ibershof, et al.
Cause called and argued by Bernhard E. Bergesen, counsel for appellants and by Robert A. Christopher, counsel for respondent. Cause ordered

submitted.

A083514 PH II, Inc.
v.
William C. Ibershof, et al.
Cause called and argued by Robert A. Christopher, counsel for appellant and by Bernhard E. Bergesen, counsel for respondent. Cause ordered submitted.

A086438 Gretchen R. Belli
v.
Robert Stack
Cause called and argued by Michael Fluetsch, counsel for appellant and by Wallace C. Doolittle, counsel for respondent. Cause ordered submitted.

A087647 Aeromedical Group, Inc.
v.
Aircraft Sales Of California, Inc.
Cause called and argued by Rudolph T. Haas, counsel for appellant and by William Siamas, counsel for respondent. Cause ordered submitted.

A073839 Mark D. Greenberg, et al.
v.
State Bar Of California, et al.
Cause called and argued by Mark D. Greenberg, appellant in pro per and by Dina Goldman, counsel for respondent. Cause ordered submitted.

A086110 The McGraw Group Of Affiliated Companies, et al.
v.
Mark Culhane
Cause called and argued by William G. Ackerman, counsel for appellant and by William J. McLean, counsel for respondent. Cause ordered submitted.

A087995 Russell Jacobus
v.
Krambo Corporation, et al.
Cause called and argued by Kyra A. Subbotin, counsel for appellant and by Margaret E. Murray, counsel for respondent. Cause ordered submitted.

A087414 Joe B. Schmidt Trust
v.
Kathleen Dudgeon
Cause called and argued by Charles G. Kinney, counsel for appellant and by

Jennifer Crum, counsel for respondent. Cause ordered submitted.

Court recessed at 12:51 p.m.

Court reconvened at 1:22 p.m.

- A081994 The People
 v.
 Dupriest Brown
Cause called and argued by Victor R. Blumenkrantz, counsel for appellant and by Kenneth C. Young, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A082265 The People
 v.
 Domanic Brown
Cause called and argued by Susan M. Raffanti, counsel for appellant and by Kenneth C. Young, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A084206 The People
 v.
 Steven Launer
Cause called and argued by Robert F. Kane, counsel for appellant and by Jeffrey M. Laurence, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A086663 In re Stephanie H., a Person Coming Under the Juvenile Court Law
 The People
 v.
 Stephanie H.
Cause called, Jeffrey M. Laurence, Deputy Attorney General, appeared for respondent, counsel for appellant did not appear. Cause ordered submitted.

Court adjourned at 2:27 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, January 21, 2000

Division One

**A086398 -- Leslie M. Flannery v. California Highway Patrol et al;
Prentice & Scott et al.**

The order is affirmed. Strankman, P.J. We Concur: Stein, J., Swager, J.
(Not for Publication.)

Division Three

A084782 -- The People v. Janet K. Leclair.

The judgment and the ruling on the suppression motion are reversed. The cause is remanded to the superior court with directions to set aside the defendant's plea of no contest and admission of the prior conviction, and to reinstate the original information. Defendant is, of course, free to re-litigate the suppression motion if she chooses. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J.
(Not for Publication.)

Division Four

**A087515 -- In re Alexander M., a Person Coming Under the Juvenile
Court Law.**

The order denying the petition for modification is affirmed. Reardon, J.
We Concur: Poché Acting P.J., Sepulveda, J. (Not for Publication.)

A083712 -- The People v. Alphonso Eddie Roundtree.

The judgment is affirmed. Hanlon, P.J. We Concur: Reardon, J.,
Sepulveda, J. (Certified for Partial Publication.)

Friday, January 21, 2000 (continued)

A084396 -- Bayshore Sanitary District v. City of Brisbane.

For all the foregoing reasons, the judgment of the trial court is affirmed in its entirety. The parties shall bear their own costs. Sepulveda, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

Division Five

A086229 -- In re Jamie P. et al., Persons Coming Under the Juvenile Court Law.

The orders are affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, January 24, 2000

Division Two

A085802 -- First Nationwide Bank, et al., v. Mountain Cascade, Inc.

The \$561,416.16 award of prejudgment interest is affirmed. The \$59,111.27 award of expert fees is reversed. The \$345,126 award of attorney fees in favor of FNB and Southampton is reversed, and the matter is remanded to the trial court. On remand, the trial court shall apportion the fees between FNB and Southampton, and award attorney fees solely to Southampton in a manner consistent with this opinion. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Certified for Partial Publication.)

Division Three

A088227 -- In re Tayoba R., a Person Coming Under the Juvenile Court Law.

We affirm the trial court's order. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A085759 -- In re Vincent C., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed, and the matter remanded for redetermination of whether appellant personally used a firearm in the commission of the conspiracy to carjack, for purposes of Welfare and Institutions Code section 707, subdivision (b). McGuinness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

Monday, January 24, 2000 (continued)

Division Five

A086025 -- The People v. Jaime Vega.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J.
(Not for Publication.)

A084486 -- International Pension Club Corporation v. Wells Fargo Bank.

The judgment is reversed. Appellant shall recover its costs on appeal.
Stevens, J. We Concur: Jones, P.J., Strankman, P.J.* Presiding Justice, Division
One of the First District Court of Appeal, assigned by the Chief Justice pursuant to
article VI, section 6 of the California Constitution. (Not for Publication.)

A087050 -- John Doe v. Alto Bates Medical Center.

The judgment of the trial court is affirmed. Stevens, J. We Concur: Jones,
P.J., Haning, J. (Not for Publication.)

A086053 -- The People v. Stanley Joseph Crump.

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones,
P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, January 25, 2000

Division One

A085825 -- The People v. Paul A. Roman.

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A086202 -- In re Ted V., a Person Coming Under the Juvenile Court Law.

The jurisdictional and dispositional orders of the juvenile court are reversed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A086498 -- The People v. Carrie D. Gillock.

The order of probation is modified to order restitution in the amount of \$4,131. In all other respects the judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A084598 -- The People v. Thomas David Waiton.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

A083935 -- The People v. Albert Williams.

The judgment is affirmed. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication)

Tuesday, January 25, 2000 (continued)

A084277 -- Brickyard Development Partners v. City of Pittsburg.

The order granting a partial new trial is affirmed. The matter is remanded to the trial court for further proceedings. Brickyard is entitled to costs on appeal. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A086590 -- In re Jamal A., a Person Coming Under the Juvenile Court Law.

The order denying appellant's second modification petition is affirmed. Marchiano, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Three

A086296 -- The People v. Juan Angel Zaragoza Barrajas.

The judgment is modified to delete the restitution fine of \$4,350. As modified, the judgment is affirmed. The clerk of the court is directed to prepare an amended abstract of judgment reflecting that modification and forward a certified copy of the amended abstract to the Department of Corrections. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

A084615 -- The People v. Michael Allen Pierce.

We hold the trial court erred in denying appellant's section 1538.5 motion to suppress evidence, and reverse appellant's conviction and sentence. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A076401 -- Leo Norgart, Individually and as Administrator, etc., et al., v. Upjohn Company.

The Supreme Court held that the Norgarts' wrongful death cause of action was not filed within the applicable statute of limitations period. The court reversed our decision holding otherwise and remanded the matter to us to review the superior court's order granting Upjohn's summary judgment motion as to the Norgarts' survival causes of action for fraud. We conclude that those causes, too, were untimely filed. We affirm the trial court's order granting summary judgment to Upjohn. Upjohn shall recover its costs on appeal. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Tuesday, January 25, 2000 (continued)

A084788 -- The People v. David Elmer Gaul.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

A087908 -- The People v. Cecil Vallin Rodriguez.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Division Four

A086575 -- The People v. Steven Haden.

The judgment, including the sentence, is affirmed. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

A089309 -- Freddie B., v. The Superior Court of Mendocino County; Mendocino County Department of Social Services.

The order denying reunification services and setting a hearing under section 366.26 complies with governing law and is supported by substantial evidence. The petition for extraordinary writ is denied on the merits. (See § 366.26, subd. (1)(1); Cal. Rules of Court, rule 39.1B(o).) Our decision is final immediately. Reardon, J. We Concur: Poché Acting P.J., Sepulveda, J. (Not for Publication.)

Tuesday, January 25, 2000 (continued)

A087149 -- The People v. Michael Tony Gallardo.

A088030 -- In re David Lopez, on Habeas Corpus.

A088200 -- The People v. Hector Mora.

Gallardo's Appeal

Appellant having failed to successfully show cause, the appeal is dismissed.

The order is not appealable.

Lopez's Appeal

Appellant having failed to successfully show cause, the appeal is dismissed.

The order is not appealable.

We note that Lopez has filed a petition for a writ of habeas corpus in this court (A089515). The clerk of this court is directed to make a copy of the notice of appeal and to refile it in proceeding A089515 as a request for a writ of habeas corpus. The record on Lopez's appeal will constitute the record for the habeas corpus proceeding and will be incorporated in that proceeding by reference. We will deem Lopez's petition to the superior court to constitute a petition to this court for the same relief.

Mora's Appeal

Appellant having failed to successfully show cause, the appeal is dismissed.

The order is not appealable.

The clerk of this court is directed to make a copy of the notice of appeal and to refile it in a separate proceeding as a request for a writ of habeas corpus. The record on Mora's appeal will constitute the record for the habeas corpus proceeding and will be incorporated in that proceeding by reference. We will deem Mora's motion/petition to the superior court to constitute a petition to this court for the same relief. Hanlon, P.J. We Concur: Poché J., Reardon, J.
(Certified for Publication.)

Tuesday, January 25, 2000 (continued)

Division Five

A086663 -- In re Stephanie H., a Person Coming Under the Juvenile Court Law.

The order of probation is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A086782 -- John Shek v. The Regents of the University of California et al.

The judgment and the orders of the trial court are affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, January 25, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Reardon, J. and Sepulveda, J.; Channing Hoo, Deputy Clerk; Helen Hiramoto, Bailiff.

A083286 Oscar Braun et al.
 v.
 County of San Mateo et al.
Cause called. Eric C. Kastner argued for appellants Braun et al. Michael P. Murphy argued for respondents. Cause submitted.

A086261 Milton Lorig et al.
 v.
 Medical Board of California et al.
Cause called. Richard G. McCracken argued for appellants Lorig et al. David Carr argued for respondents. Cause submitted.

A083746 In re Marriage of Terry
A083772 Mary E. Terry
 v.
 Thomas D. Terry
Causes called. Richard Sherman argued for litigant Thomas D. Terry. Bernard N. Wolf argued for litigant Mary E. Terry. Causes submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J. and Reardon, J.

A084820 Ernesto Lewis
 v.
 SF Bart
Cause called. Arnold Berschler argued for appellant Lewis. Randall Bernard argued for respondent. Cause submitted.

A084477

People

v.

Darnell Lamont Farr

Cause called. Deborah Tuttelman argued for appellant Farr. Donna Chew argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Poche, Acting P.J., Reardon, J. and Sepulveda, J.

A082842

In re Marriage of Francis

Marie Inez Francis

v.

James Francis

Cause called. In pro per appellant James Francis argued. In pro per respondent Marie Inez Francis teleargued. Cause submitted.

The Court adjourned at 12:06 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, January 26, 2000

Division One

A088170 -- In re Justin W., a Person Coming Under the Juvenile Court Law.

The order adjudicating appellant a continued ward of the court pursuant to Welfare and Institutions Code section 602 and committing him to the CYA is affirmed. Strankman, P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Division Two

A088915 -- In re Freedom B., a Person Coming Under the Juvenile Court Law.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888.) Petitioner is barred in any subsequent appeal from making further challenges to the order terminating reunification services and setting a hearing under section 366.26, subdivision (l)(1). Since the permanency planning hearing is set for February 16, 2000, our decision is final as to this court immediately. (Rule 24(d).) Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A086492 -- In re Christopher S., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Wednesday, January 26, 2000 (continued)

A084857 -- In re Diamond and Daniel G., Persons Coming Under the Juvenile Court Law.

Accordingly, the trial court's order terminating father's parental rights is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A087154 -- In re Dwayne P., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A087722 -- The People v. Norma Jane Berghorst.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A082234/A083188 -- Arthur Manners et al., v. Owens Corning.

The judgment of the trial court is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A086058 -- The People v. Michael Foots.

The judgment and sentence are affirmed. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

A086568 -- In re Marriage of Priscilla and Daniel Baker.

The judgment is affirmed. Priscilla shall recover her costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

Wednesday, January 26, 2000 (continued)

Division Four

A077985 -- Braulio Torres v. Powerscreen International Distribution, Ltd. et al.

The judgment is affirmed. Torres shall recover his costs of appeal.
Hanlon, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A086650 -- The People v. Rodney Starr Powers.

Judgment affirmed. Reardon, J. I Concur Sepulveda, J. (SEE
CONCURRING OPINION of Poché Acting P.J.) (Not for Publication.)

Division Five

A073839 -- Mark D. Greenberg et al., v. The State Bar of California et al.

The judgment of the trial court is affirmed, under compulsion of *Warden, supra*, 21 Cal.4th 628. (See *Auto Equity, supra*, 57 Cal.2d at p. 455.) Stevens, J. We Concur: Jones, P.J., Haerle, J.* Associate Justice, Division Two of the First District Court of Appeal, assigned by the Chief Justice pursuant to Article VI, section 6 of the California Constitution.

A085917 -- City of Pleasanton v. Gary Oetman.

The judgment is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A089310 -- Maria J., v. The Superior Court of Sonoma County; County of Sonoma Human Resources Department.

The petition for extraordinary writ review is denied on its merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (l).) Haning, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, January 27, 2000

Division Two

A085312 -- The People v. Aaron Lee Lewis.

A087966 -- In re Aaron Lee Lewis, on Habeas Corpus.

The judgment is affirmed. The writ petition is denied. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Division Four

A085844 -- The People v. David Wayne Sessom.

The judgment is affirmed. Hanlon, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A084809 -- In re Matthew F., a Person Coming Under the Juvenile Court Law.

The appeal is dismissed. Sepulveda, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

A083065 -- The People v. Paul Rios.

A087646 -- In re Paul Rios, on Habeas Corpus.

Defendant has failed to establish prejudicial error by the trial court or prejudicially ineffective assistance by counsel. Accordingly, the judgment is affirmed. The petition for habeas corpus is denied. Sepulveda, J. I Concur: Reardon, J. (SEE DISSENTING OPINION of Poché J.) (Not for Publication.)

A085330 -- The People v. Carl Jones.

The judgment is affirmed. Sepulveda, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Thursday, January 27, 2000 (continued)

Division Five

A086845 -- In re Robert H., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Haning, J. We Concur: Jones, P.J., Stevens, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, January 28, 2000

Division Two

A086532 -- The People v. Maunice Sandefur.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J.
(Not for Publication.)

A089827 -- In re Christopher James, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Petitioner should first seek relief, if any, in the trial court. Kline, P.J.

A089807 -- In re Gregory Laval Rounds, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Division Three

A084518 -- The People v. Eric K. Dannenberg.

The judgment and postjudgment sentencing order are affirmed.
McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A087091 -- In re Joseph R., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Friday, January 2000 (continued)

A086981 -- The People v. Frontier Pacific Insurance Company.

The order denying the motion to vacate forfeiture and exonerate bail is affirmed. The People shall recover their costs on appeal. (See Cal. Rules of Court, rule 26(a); see also *Amwest, supra*, 56 Cal.App.4th at p. 926.) McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A086661 -- In re Henry A. et al., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. McGuiness, P.J., We Concur: Corrigan, J., Walker, J. (Not for Publication.)

A084669 -- G. Bruce Spence v. Timothy M. Finnegan, as Trustee, etc.

The judgment is affirmed. Costs are awarded to respondent. Parrilli, J. We Concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

A087182 -- Richard Michael Grube v. Oksana Okopnyi et al.

The judgment is reversed. In the interests of justice, each side is to bear its own costs of appeal. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

A083715 -- Anesthesia Care Associates Medical Group, Inc., et al., v. Blue Cross of California.

The judgment is affirmed. Plaintiffs shall recover their costs herein. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

A089074 -- Ernest ., Sr., v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.

The petition for an extraordinary writ is denied on the merits. (§ 366.26, subd. (l); Cal. Rules of Court, rule 39.1B(o); see *In re Julie S.* (1996) 48 Cal.App.4th 988, 990-991.) This decision shall be final as to this court immediately. Poché J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Friday, January 28, 2000 (continued)

A087415 -- In re Michael A., a Person Coming Under the Juvenile Court Law.

Judgment affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A082117/A082649 -- Patrick J. Murphy et al., v. Fidelity National Title Insurance Co.

The judgment for Fidelity is affirmed. The orders denying Fidelity's motion for attorney's fees, and striking those fees from Fidelity's cost bill, are reversed. Fidelity is entitled to its reasonable attorney's fees in the proceedings below and on appeal in an amount to be determined by the trial court. Fidelity shall also recover its costs on appeal. Hanlon, P.J. We Concur: Poché J., Reardon, J. (Not for Publication.)

A083046 -- The People v. Winston Wallace Louis.

The judgment of conviction is affirmed. The clerk of the trial court is directed to prepare an amended abstract of judgment showing that the sentence imposed on each of the Penal Code section 12021 violations (Counts 6 and 11) is 8 months, and that defendant's total sentence is 40 years and 8 months. The clerk is further directed to forward a copy of the amended abstract to the Department of Corrections. Poché Acting P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A081424 -- The People v. Felix Hightower.

The judgment is affirmed as modified by the trial court's order of December 8, 1998. Sepulveda, J. I concur: Reardon, J. (SEE DISSENTING OPINION of Poché Acting P.J.) (Certified for Partial Publication.)

Division Five

A084906 -- The People v. Clarence Edward Hawkins.

We affirm the judgment Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

Friday, January 28, 2000 (continued)

A087510 -- In re Paul S., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)

A081994 -- The People v. Dupriest Brown.

A082265 -- The People v. Domanic Brown.

The judgments of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

A087197 -- The People v. Cathy Eileen Nickels.

The judgment of the trial court is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

A087080 -- The People v. Corey A. Dunson.

The order of the trial court is affirmed. Stevens, J. We Concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, January 31, 2000

Division One

A085570 -- Harry Lum v. Reddy Realty.

The order and judgment are affirmed. Marchiano, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

A085715 -- Richard E. Thomas v. Martin Nicolaus et al.

The judgment is affirmed. Marchiano, J. We Concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

A089850 -- Pamela S. Hwang v. The Superior Court of Contra Costa County; The People of the State of California, R.P.I.

By the Court: The petition for writ of mandate/prohibition/stay is denied. Haerle, Acting P.J.

Division Three

A087583 -- In re Jason S., a Person Coming Under the Juvenile Court Law.

The juvenile court's jurisdictional and dispositional orders are affirmed. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A085635 -- Michael Pinsker et al., v. James M. Moore et al.

The judgment is affirmed. The Moores shall recover their costs on appeal. Parrilli, J. We Concur: McGuinness, P.J., Walker, J. (Not for Publication.)

Monday, January 31, 2000 (continued)

A085045 -- Oscar L. Martin v. Paul Kirwin.

The judgment is affirmed. Sanctions are imposed against appellant and his counsel in the amount of \$8,100 for prosecution of a frivolous appeal, to be paid as directed in this opinion. Appellant shall also pay respondent's costs on appeal. (Cal. Rules of Court, rule 26(a).) Appellant's cross-motion for sanctions is denied. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A082191 -- The People v. George Michael Montross.

The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

A086693 -- The People v. Michael Alan Velkoff.

Affirmed. Walker, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A087170 -- United Services Automobile Association v. The Superior Court of San Francisco; Bryan Doherty, R.P.I.

The alternative writ is discharged. The petition for writ of mandate is granted. Respondent court is directed to set aside its previous order granting the motion to compel arbitration, and to issue instead an order denying the motion. Each party to bear its own costs. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

A085712 -- Michael A. Harrison et al., v. Jonathan W. Cohen et al.

We affirm. Respondents shall recover their costs on appeal. Walker, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A082464 -- Cecon, Inc., v. State of California Employment Development Department.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Monday, January 31, 2000 (continued)

A086200 -- In re John S., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

A085022 -- Friends of Westhaven and Trinidad v. County of Humboldt et al.

The judgment sustaining the demurrer is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

A087674 -- The People v. Jean Bentaberry.

The sentence on Count 4 is set aside and the matter is remanded for resentencing on that count. Corrigan, J. We Concur: McGuiness, P.J., Walker, J. (Not for Publication.)

A084126 -- The People v. Donald Lee Schumaker.

The judgment and sentence are affirmed. Walker, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Division Four

A084477 -- The People v. Darnell Lamont Farr.

The matter is remanded for the sole purpose of recalculating any custody credits due defendant under Penal Code section 4019. When the amount of credits, if any, is determined the trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections. In all other respects the judgment of conviction is affirmed. Poché J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A084820 -- Ernesto Lewis v. San Francisco Bay Area Rapid Transit District.

The judgment is affirmed. Reardon, J. We Concur: Hanlon, P.J., Poché J. (Not for Publication.)

Monday, January 31, 2000 (continued)

A082842 -- In re Marriage of Marie and James Francis.

The judgment is affirmed. Sepulveda, J. We Concur: Poché Acting P.J., Reardon, J. (Not for Publication.)

Division Five

A086584 -- The People v. James Lamont Smith, III.

The judgment is affirmed. Jones, P.J. We Concur: Haning, J., Stevens, J. (Not for Publication.)